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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,269	07/22/2003	Theodore Jack London Shrader	AUS920000168US2	7487
35525	7590	02/14/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			AHN, SANGWOO	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,269	Applicant(s) SHRADER ET AL.	
	Examiner Sangwoo Ahn	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0722203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 17 and 18, the limitation "lexical instruction" renders the claims indefinite because what the applicant means by "lexical instruction" is neither clearly nor distinctly disclosed in the specification or within the claims. For the purpose of further examination, the phrase "lexical instruction" is given the broadest reasonable interpretation by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 – 25 and 27 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,381,597 issued to Simon M. Lin (hereinafter "Lin"), in view of U.S. Patent Number 5,873,069 issued to Douglas G. Reuhl et al (hereinafter "Reuhl").

As per claim 17, Lin discloses,

A database for use in managing a pricing agent in a computer, comprising:

- a pricing profile table comprising a set of profile records, each record identifying a URL site (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6), a list of included items (column 2 lines 64 – 67), and a pointer to a site template (column 4 lines 49 – 64);
- a site template table comprising a set of site templates, each site template comprising lexical instructions for parsing a data stream to identify given data (column 4 lines 49 – 64); and
- a price table comprising a set of pricing records, each record identifying an item name, an associated price value, and at least one source (Figure 7, table in column 8 – 9 and 10 – 11).

Lin does not explicitly disclose a scan interval.

However, Reuhl discloses the scan interval (column 11 lines 31 – 38), as well as the elements already disclosed by Lin (i.e. pricing agent, list of included items, lexical instructions for parsing, price table). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because the scan interval disclosed by Reuhl would have enabled Lin's database system to automatically and frequently check prices of a plurality of products that constantly changes and provide price comparison among competitors to buyers, as taught in Reuhl's disclosure.

As per claim 18, Reuhl discloses threshold table comprising a set of threshold records, each record identifying a threshold type, a threshold value, and a threshold comparison operator (column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 40; 53 – 63).

As per claim 19, the claim recites that each profile further includes a list of excluded items. Given the broadest reasonable interpretation, the excluded items could be the items that are left over, after including certain items to be searched for in a plurality of websites. Since the profile record already has a list of included items specified by a user, it is inherent that all the other items not chosen to be searched for, namely "excluded", could be called a list of excluded items.

As per claim 20, Lin discloses,

A computer, comprising:

a browser (Figure 1);

a database comprising:

a pricing profile table comprising a set of profile records, each record identifying a URL site (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6), a list of included items (column 2 lines 64 – 67), and a pointer to a site template (column 4 lines 49 – 64);

a site template table comprising a set of site templates, each site template comprising lexical instructions for parsing a data stream to identify given data (column 4 lines 49 – 64); and

a price table comprising a set of pricing records, each record identifying an item name, and associated price value, and at least one source (Figure 7, table in column 8 – 9 and 10 – 11); and

code executable in the browser during processing of a given pricing profile record for parsing data retrieved from the URL site according to the site template to generate a

data record for each included item (Figure 4, column 2 lines 55 – 63, column 4 line 36 – column 5 line 7).

Lin does not explicitly disclose a scan interval.

However, Reuhl discloses the scan interval, as well as the elements already disclosed by Lin (i.e. pricing agent, list of included items, lexical instructions for parsing, price table). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because the scan interval disclosed by Reuhl would have enabled Lin's database system to automatically and frequently check prices of a plurality of products that constantly changes and provide price comparison among competitors to buyers, as taught in Reuhl's disclosure.

As per claim 21, Reuhl discloses price data for an item name is collected over a given period of time to produce historical data (column 3 lines 18 – 20, column 9 lines 12 – 15).

As per claim 22, Lin discloses the database receives queries from a pricing agent (column 2 lines 55 – 57; 65 – 67, column 4 lines 36 – 43).

As per claim 23, Lin discloses the pricing agent provides data to the database using the set of profile records (Figure 2 and throughout the disclosure).

As per claim 24, Lin discloses the pricing table provides an identification of URL sites to be scanned for data (Figure 2, column 2 lines 53 – 55, column 5 lines 4 – 6).

As per claim 25, Reuhl discloses the threshold table indicates when a threshold condition is reached to trigger a threshold event (column 3 lines 44 – 48, column 4 lines 7 – 10, column 11 lines 35 – 40; 53 – 63).

As per claim 27, Lin discloses the site templates include matching criteria (column 4 line 49 – column 5 line 7).

As per claim 28, Reuhl discloses each site template includes a scanning template that indicates who to scan for item names and corresponding prices (column 11 lines 1 – 15).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Reuhl, further in view of U.S. Patent Number 4,992,940 issued to Ross E. Dworkin (hereinafter “Dworkin”).

As per claim 26, Lin and Reuhl disclose the database of claim 25 as discussed above in claim 25 rejection.

Lin and Reuhl do not explicitly disclose a sending of an email.

However, Dworkin discloses a sending of an email (column 4 lines 13 – 24, column 10 lines 9 – 17). It would have been obvious to a person of ordinary skill in the data processing art to combine the above references because Dworkin's method of sending an email would have enabled Lin and Reuhl's database system to contact/notify the vendor, supplier, user, or administrator for further actions/services, as taught by Dworkin in his disclosure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 6,738,767 issued to Christina Yip Chung et al discloses structural queries that locate requested data in a document.

U.S. Patent Number 6,785,671 issued to David R. Bailey et al discloses a search engine to locate web pages from which user-specified products can be purchased.

U.S. Patent Number 6,754,636 issued to Jay S. Walker et al discloses a method of price comparison between multiple vendors.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sangwoo Ahn
Patent Examiner
AU2166

2/2/06 SW



**HOSAIN ALAM
SUPERVISORY PATENT EXAMINER**